



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE

DALLAS, TEXAS 75202-2733

01 DEC 2016

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7014 2120 0003 8146 4346)

Mr. Chris Linendoll, E.I.T., Section Manager
Wastewater Permitting Section (MC-148)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Interim Objection of Draft Permit
TPDES Permit No. TX0136778 (WQ0014488003)
City of Dripping Springs

Dear Mr. Linendoll:

Thank you for the opportunity to review the proposed draft permit transmitted in your letter received on September 6, 2016. Based upon the information provided, it is not clear how this permit conforms to the guidelines and requirements established by the Clean Water Act (CWA) and the NPDES regulations. The fact sheet and draft permit state that the above referenced facility discharges to Walnut Springs, thence to Onion Creek in Segment No. 1427 of the Colorado River Basin, which has been identified as a high quality water. Pursuant to 40 CFR 131.12(a)(2), high quality waters "must be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located." (Tier 2 Review) In addition, 30 TAC 307.5(b)(2) provides that "[n]o activities subject to regulatory action that would cause degradation of waters that exceed fishable/swimmable quality are allowed unless it can be shown to the commission's satisfaction that the lowering of water quality is necessary for important economic or social development."

TCEQ's Notice of Application and Preliminary Decision states that "[a] Tier 2 review has preliminarily determined that no significant degradation of water quality is expected in Onion Creek, which has been identified as having high aquatic life uses." EPA recognizes that some states, including Texas, have chosen to target their antidegradation efforts by defining a significance threshold above which the effects on water quality require a finding of necessity and social and economic importance under 40 CFR 131.12(a)(2). However, EPA cannot discern from the information provided what factors TCEQ considered in its determination of no significant degradation and whether the state's analysis complied with TCEQ's antidegradation policy and implementation procedures for Tier 2 review. Please provide additional information regarding the state's Tier 2 analysis in regard to the City of Dripping Springs discharge, including whether the state's analysis was subject to public review and comment.

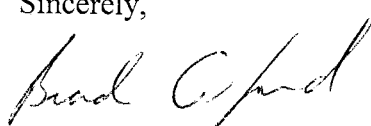
Additionally, there is concern that the effluent limits proposed in the draft permit would contribute more than 450 pounds of phosphorus (P) per year in a phosphorus limited stream with a currently estimated annual load of approximately 1 pound of P annually and the proposed increase of Total Nitrogen (N) would be even more significant. Additional information is needed from the permittee/TCEQ to show that these increases in Total P and Total N would not negatively impact the receiving waters.

According to 30 TAC 307.4(e), "Nutrients from permitted discharges or other controllable sources must not cause excessive growth of aquatic vegetation that impairs an existing, designated, presumed, or attainable use." Onion Creek is presumed high aquatic life use and primary contact recreation and is used for recreational activities such as swimming, fishing, and boating. The increase in nutrients to the receiving waters may result in additional algal growth. Additionally, Tier 1 antidegradation requirements state that surface waters must be maintained in an aesthetically attractive condition, and require that waste discharges not cause substantial and persistent changes from ambient conditions of turbidity or color (30 TAC 307.4(b)(4) and 30 TAC 307.4(b)(5)). Please provide appropriate information showing that the draft permit will not cause or contribute excessive nutrients to the receiving waters that would violate the above listed requirements of a Tier 1 antidegradation review

Lastly, a copy of the City of Dripping Springs draft permit was provided to the United States Fish and Wildlife Service (FWS) for further Endangered Species Act (ESA) review on October 17, 2016. The review has not yet been completed. EPA may have additional comments/questions based on the results of this review.

We will be happy to work with you and your staff to clarify or resolve these concerns. Should you have any questions, please call me at (214) 665-6473, or have your staff contact Greg Valentine at (214) 665-3111.

Sincerely,



for Richard A. Wooster
Acting Associate Director
NPDES Permits and TMDLs Branch

cc (electronic): Firoj Vahora, Municipal Permits Team Leader (MC-148)
Wastewater Permitting Section Division, TCEQ